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Application No. UP-696-06

Kahn Properties East, LLC (Starbucks)

Application No. UP-696-06 is a Special Use Permit request to authorize a 1,659-square foot drive-through fast food restaurant to be located at 800 East Rochambeau Drive (Route 137).

The staff is recommending approval with conditions.

Attachments:

1. Staff report
2. Zoning map
3. Concept plan
4. Restaurant layout
5. Building elevation
6. Proposed Resolution No. PC06-04

COUNTY OF YORK

MEMORANDUM

DATE: February 27, 2006 (PC Mtg. 3/8/06)

TO: York County Planning Commission

FROM: Earl W. Anderson, AICP, Planner

SUBJECT: Application No. UP-696-06, Kahn Properties East, LLC (Starbucks)

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize a 1,659-square foot fast food restaurant (Starbucks) with drive-through service within a retail center (permitted as a matter-of-right) to be located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange. The property, identified as Assessor's Parcel No. 2-17-1, is zoned EO (Economic Opportunity) and is designated for Economic Opportunity development in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Kahn Properties East, LLC
- Location: 800 East Rochambeau Drive (Route 137)
- Area: 3.06-acre parcel
- Frontage: Approximately 230 feet on Mooretown Road (Route 603), approximately 600 feet on Humelsine Parkway (Route 199), and approximately 680 feet on East Rochambeau Drive.
- Utilities: The property will be served by public water and sewer
- Topography: Predominantly flat
- 2025 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:

North: IHOP restaurant
East: Lowe's Home Center
South: Wachovia Bank and the Sentara-Williamsburg Regional Medical Center, both currently under construction

West: Across Humelsine Parkway on Lightfoot Road a single-family home, the Lightfoot Mobil gas station, and Days Inn hotel

- Proposed Development: 1,659-square foot fast food restaurant with drive-through service

CONSIDERATIONS/CONCLUSIONS

1. The applicant proposes to lease space to Starbucks (fast food restaurant), which will occupy one of the tenant spaces in the Shops at Cedar Valley retail center. The restaurant will be located in the unit at the southern end of the site with a drive through between the building and the 45-foot buffer adjacent to Mooretown Road and Humelsine Parkway. The main access point will be at a new commercial driveway opposite the existing main entrance for Lowe's Home Center on East Rochambeau Drive. Access drives will also connect with the Wachovia Bank site.
2. The *Comprehensive Plan* designates this area as Economic Opportunity, and the property is zoned EO – Economic Opportunity. The intention of the designation is to guide a mix of office, light industrial, commercial, and tourist related uses with an emphasis on capital- and labor-intensive uses. Thus far, new uses approved within the Lightfoot area and along the Lightfoot Road/Route 199/Mooretown Road corridors have been a mix of retail, hotel/resort tenants, as well as, the Williamsburg Community Hospital facility. The proposed restaurant use will add to the variety of uses within the area and would complement the large-scale retail merchants within the retail center. Staff is therefore of the opinion it is in keeping with the intent of land use goals of the *Comprehensive Plan*.
3. In accordance with Zoning Ordinance Section 24.1-606, a minimum of 122 parking spaces would be required for the retail center, including the restaurant and other retail uses. The site plan for the Shops at Cedar Valley shows only 97 spaces; 25 spaces fewer than required. However, the adjacent Wachovia Bank site requires only 12 parking spaces for the bank use, but has 37 parking spaces provided on site. The applicant has stated that a cooperative parking agreement with the owner of the Wachovia Bank site will be executed to authorize use of the 25 excess parking spaces to make up for the on-site parking deficiency. This type of arrangement is allowed by the Zoning Ordinance.
4. The original site plan submission included a traffic impact analysis (TIA), which evaluated the trip generation expected for the entire retail center. Based on the information contained in the TIA, the Virginia Department of Transportation (VDOT) recommended improvements for turn lanes and the installation of a traffic signal at the entrance to the retail center (i.e., at the Lowe's entrance), which will have to be in place before any businesses in the retail center opens. Staff concurs with VDOT's conclusions and before site plan approval for the retail center, a traffic signal agreement will be required for the installation of a signal.

RECOMMENDATION

The Route 199 and Mooretown Road corridors have been planned for a mix of retail, office, light industrial, and tourist-oriented development. The proposed restaurant will expand the variety of commercial uses in this area and will complement other existing uses in and adjacent to the retail center. While categorized as a “fast food restaurant” by the Zoning Ordinance, the specialized nature of the business will cause it to have a lesser traffic impact than would likely be associated with many other types of fast food businesses. Additionally, the proposed end-unit location will fit well into the overall traffic circulation pattern for the retail center. Therefore, based on the considerations outlined above, staff recommends that the Commission forward Application No. UP-696-06 to the Board of Supervisors with a recommendation of approval. Adopting proposed Resolution No. PC06-04 will make that recommendation.

Attachments:

- Zoning map
- Concept plan
- Restaurant layout
- Building elevation
- Proposed Resolution No. PC06-04

EWA

APPLICANT Kahn Properties East, LLC.

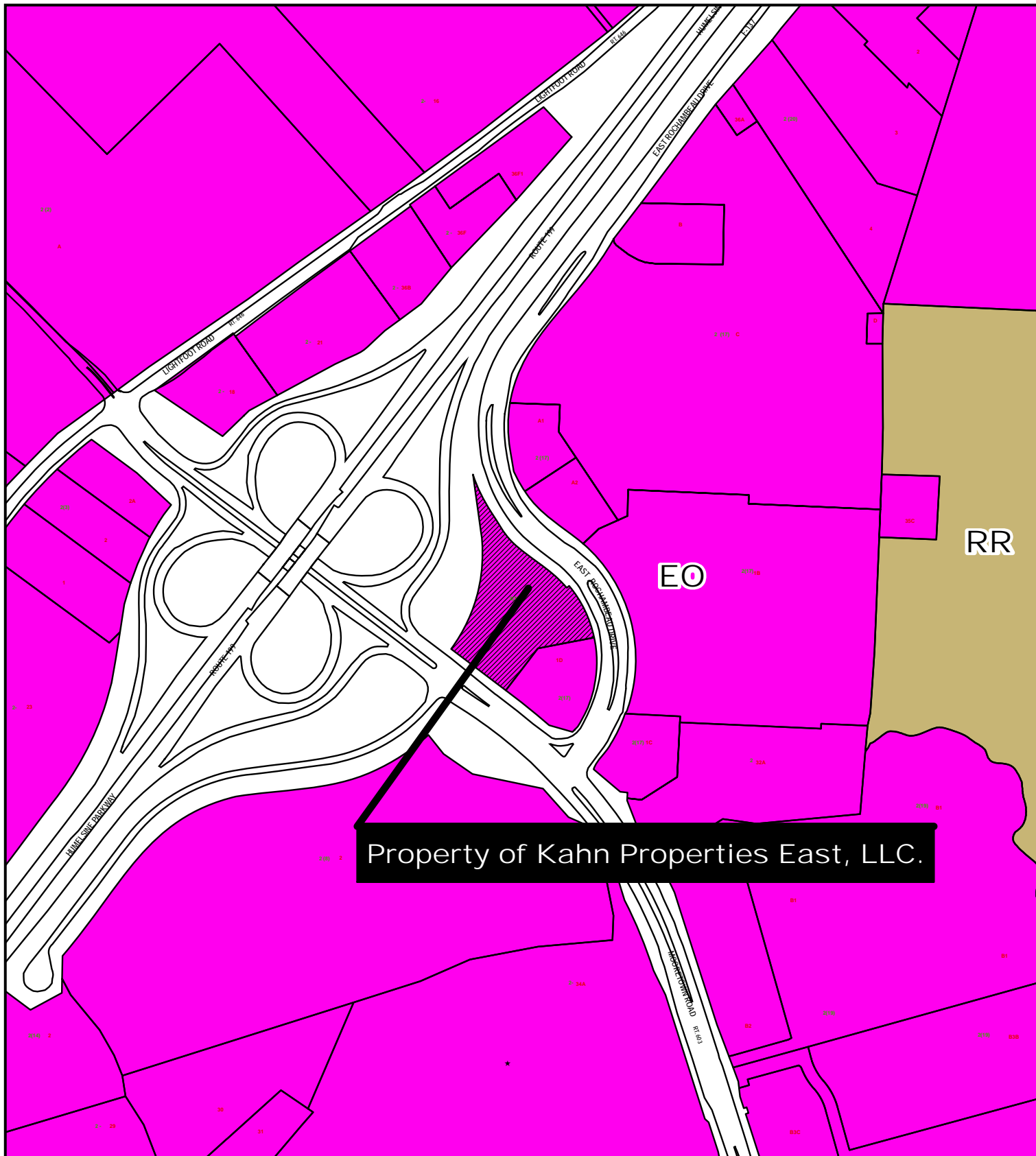
Special Use Permit for a fastfood restaurant

in Economic Opportunity

800 EAST ROCHAMBEAU DR

ZONING MAP

APPLICATION NUMBER: UP-696-06



★ = Conditional Zoning

0 225 450 900
Feet

Printed on February 06, 2006



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

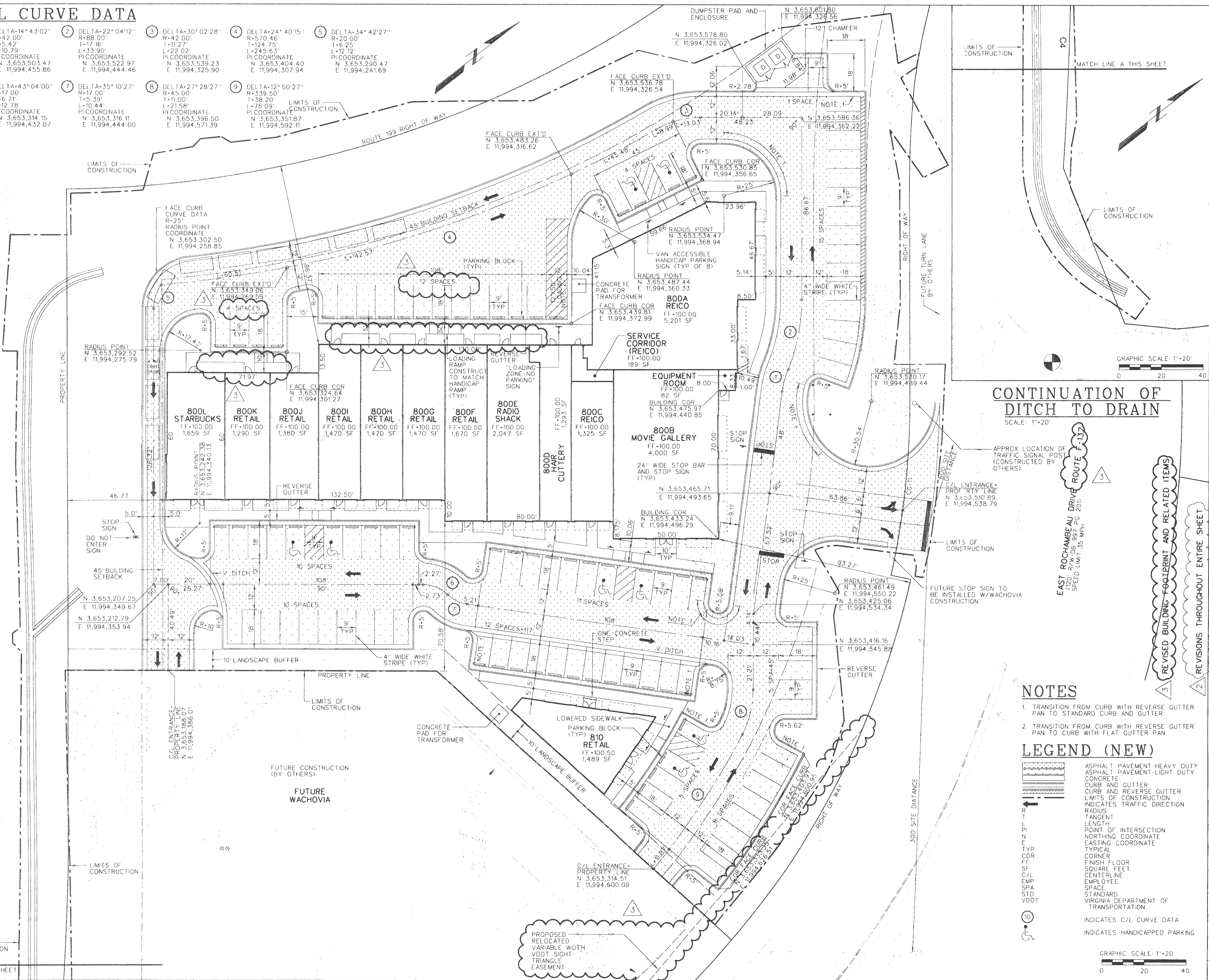
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- DELTA-12° 50' 27" R-339.50' T-38.20' L-76.09' PICOORDINATE N 3,653,351.87 E 11,994,592.11

Hankins and Anderson
Consulting Engineers
4880 Saddle Road, Glen Allen, Virginia 23060
(804) 285-4171 (804) 217-8520 Fax
www.haengineers.com

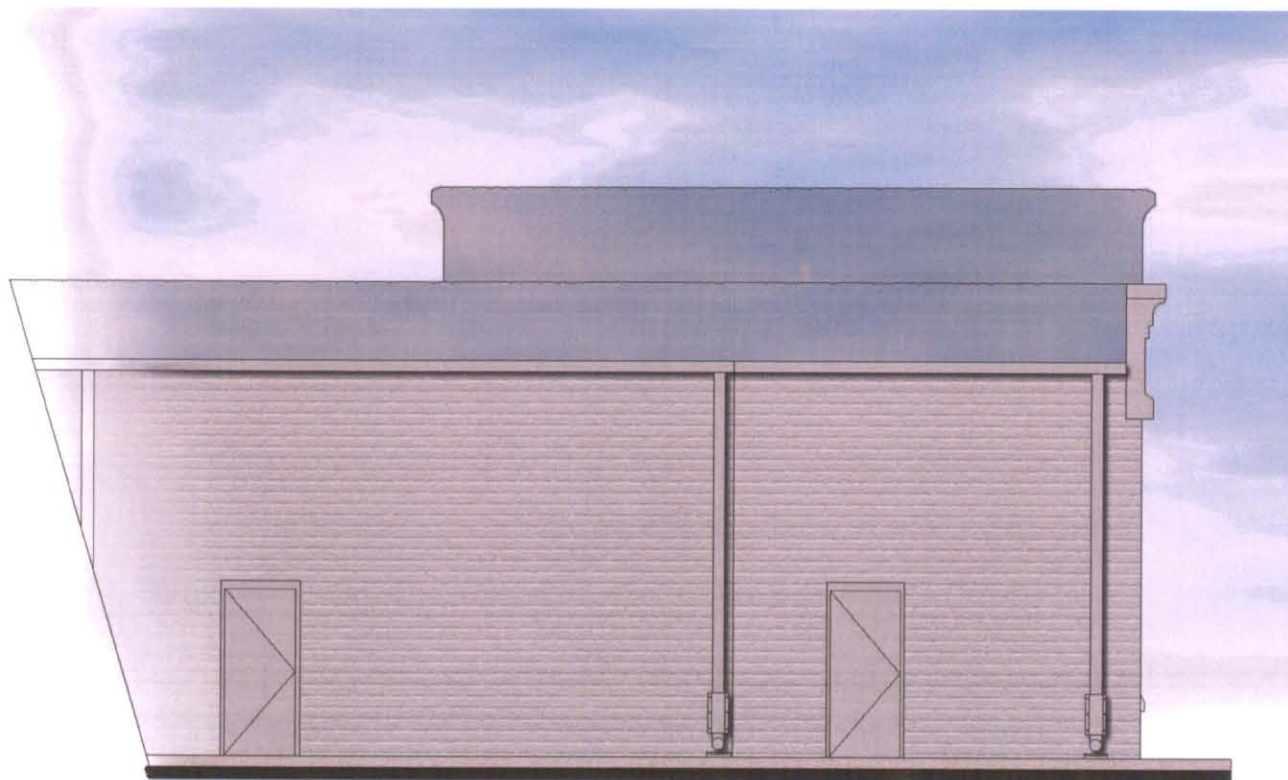
RECEIVED
PLANNING DIVISION
COUNTY OF YORK

COMMONWEALTH OF VIRGINIA
BENJAMIN A. LILLY
NO. 031796
11-21-05
PROFESSIONAL ENGINEER



PROJECT TITLE	THE SHOPS AT CEDAR VALLEY
SHEET TITLE	BRUTON DISTRICT, YORK COUNTY, VIRGINIA
DATE	11-23-04
H&A PROJECT NO.	5016-03
CLIENT PROJECT NO.	#####
SCALE	1"=20'
DRAWN BY	WCW
CHECKED BY	WCW
APPROVED BY	BAL
SHEET NUMBER	C200

SHEET 4 OF 26



Cedar Valley Shopping Center

STARBUCKS COFFEE

Rochambeau Road
Williamsburg, Va 23188
**PRELIMINARY
SUBMITTAL**

ACTUAL COLORS TO BE DETERMINED
BY SHELL BUILDING DESIGNER



Maxwell Johans
architect

MJM 105 Bro
Nashville
615.244.8
http://w

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of ____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH
DRIVE-THROUGH SERVICE AT 800 EAST ROCHAMBEAU DRIVE

WHEREAS, Kahn Properties East, LLC has submitted Application No. UP-696-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2006 that Application No. UP-696-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a

recommendation of approval to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Rte 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); subject to the following conditions:

1. This use permit shall authorize an approximately 1,659-square foot fast food restaurant with drive-through service located at 800 East Rochambeau Drive (Route 137) and further identified as a portion of Assessor's Parcel No. 2-17-1.
2. The proposed fast food restaurant shall be permitted in the end unit of the proposed retail center and, except as modified herein, said site layout for the fast food restaurant shall be in substantial conformance with the plan titled "The Shops At Cedar Valley, Bruton District, York County, Virginia," prepared by Hankins and Anderson, Consulting Engineers, dated 5/18/05 and revised 8/31/05 and 11/21/05.
3. Construction and operation of the restaurant shall be in conformance with the performance standards set forth in Section 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants*, of the Zoning Ordinance.
4. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road, Rochambeau Drive, and Humelsine Parkway.
5. In order to ensure the proper functioning of the circulation system, particularly the drive-thru aisle, the restaurant owner/management shall be responsible for making arrangements so that trash removal service does not occur during restaurant operating hours.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.